

EXHIBIT 3

1 THE HONORABLE JAMAL N. WHITEHEAD

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 PLAINTIFF PACITO; PLAINTIFF ESTHER;
10 PLAINTIFF JOSEPHINE; PLAINTIFF SARA;
11 PLAINTIFF ALYAS; PLAINTIFF MARCOS;
12 PLAINTIFF AHMED; PLAINTIFF RACHEL;
13 PLAINTIFF ALI; HIAS, INC.; CHURCH
14 WORLD SERVICE, INC.; and LUTHERAN
15 COMMUNITY SERVICES NORTHWEST,

16 *Plaintiffs,*

17 v.

18 DONALD J. TRUMP, in his official capacity as
19 President of the United States; MARCO RUBIO,
20 in his official capacity as Secretary of State;
21 KRISTI NOEM, in her official capacity as
22 Secretary of Homeland Security; ROBERT F.
23 KENNEDY, JR., in his official capacity as
24 Secretary of Health and Human Services,

25 *Defendants.*

Case No. C25-255 JNW

**DECLARATION OF JENIFER
SMYERS IN SUPPORT OF
PLAINTIFFS' REPLY IN
SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION ON
SUPPLEMENTAL PLEADING,
ECF NO. 57**

26 I, Jenifer Smyers, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am over the age of eighteen and competent to make this declaration. I served as Deputy Director of the Office of Refugee Resettlement (ORR) within the Administration for Children and Families (ACF) in the Department of Health and Human Services (HHS) from March 2024 until January 20, 2025. From February 2021 to March 2024, I served as ORR's Chief of Staff. Prior to government service, I served as the Director of Policy and Advocacy for Church

1 World Service's (CWS) Immigration and Refugee Program. I worked for CWS for more than 13
2 years.

3 2. The facts set forth in this declaration are based on my personal knowledge, on
4 prior conversations with ORR and State Department staff, and on the information kept in the
5 ordinary course of business across my more than 20 years of experience working in the refugee
6 resettlement sector.

7 3. In his January 13, 1981 letter to Congress, President Carter moved responsibility
8 for administering the Reception and Placement (R&P) Program from the Director of HHS and to
9 the State Department. This was in keeping with the Act's requirement that benefits administered
10 pursuant to its provisions not be duplicative.

11 4. R&P benefits, administered by the State Department's Bureau of Population,
12 Refugees, and Migration (PRM), are separate from and not duplicative of benefits administered
13 by ORR through grants to states and non-profit organizations.

14 5. R&P funds are provided to resettlement agencies prior to a refugee's arrival, so
15 that these agencies can prepare housing, food, clothing, and other essentials, which must be
16 provided immediately upon arrival, including preparing for school enrollment and transportation.

17 6. R&P funds are the only per-capita benefits provided to *every* refugee.

18 7. In contrast, all ORR funds are based on eligibility criteria, program enrollment
19 restrictions, and/or funding limitations.

20 8. Unlike R&P, ORR benefits and services are provided only after a refugee has
21 arrived in the United States. Some of these benefits and services involve application processes
22 and take time to determine eligibility and then administer.

23 9. This means that, without R&P services, arriving refugees may not have any
24 transportation from the airport, nor any immediate access to housing, food, clothing, or other
25 essentials.

1 10. ORR's Refugee Support Services and Cash and Medical Assistance are
2 administered by ORR through states or a state's replacement designee (if a state has opted not to
3 administer ORR benefits, such as in the case of Texas). Refugee Support Services is
4 administered prospectively by a formula based on past arrival numbers to a particular state, per
5 the Refugee Act of 1980.

6 11. Refugee Cash Assistance is administered through reimbursements, and is only
7 available to refugees who do not qualify for Temporary Assistance for Needy Families (TANF).
8 To receive Refugee Cash Assistance, refugees must first show that they do not qualify for
9 TANF. Both TANF and Refugee Cash Assistance have restrictions on how funds can be used.

10 12. Unfortunately, assessing and determining eligibility can take states and
11 replacement designees weeks or even months, resulting in a significant delay between when
12 a refugee arrives and when they receive these benefits. States' TANF guidelines, requirements,
13 and rates, upon which Refugee Cash Assistance is also based, vary widely, but are generally
14 insufficient, standing alone, to support a newly arrived refugee family.

15 (<https://www.nccp.org/wp-content/uploads/2024/11/TANF-Benefit-Amounts-2024-FINAL.pdf>)

16 13. By statute, refugees receiving Cash and Medical Assistance are required to
17 receive employability services from their state or the states' replacement designee. In Texas, the
18 state's replacement designee, Catholic Charities of Fort Worth is no longer receiving ORR
19 funding, which jeopardizes refugees' ability to meet this requirement in Texas.

20 14. Other ORR programs are available for subsets of the refugee population, such as
21 youth and the elderly, and for programs that support the communities that welcome refugees,
22 such as agricultural partnerships, employer engagement, and funds for schools serving refugee
23 children.

24 15. For example, the Preferred Communities (PC) program serves refugees "with
25 challenging needs that require special attention, including those with serious medical conditions,
26 women at risk, and elderly refugees." (<https://acf.gov/orr/programs/refugees/pc>).

1 16. Another example is the Matching Grant (MG) program, which is a public / private
2 partnership to help refugees “become economically self-sufficient through employment within
3 240 days and without accessing cash assistance programs.” Grant recipients match ORR funding
4 with cash and in-kind contributions of goods and services from the community at a rate of \$1 for
5 every \$2 in federal funding. This program is only available in 43 states, and not in all locations
6 within each state. (<https://acf.gov/orr/programs/refugees/matching-grants>).

7 17. Both PC and MG, as well as other ORR programs, are administered by the same
8 resettlement agencies that administer the R&P program. Without R&P funds, these agencies may
9 not have the capacity to administer these smaller programs. While each of the resettlement
10 agencies (and their affiliates) operate differently, it is not uncommon for a certain percentage of
11 one staff person’s salary to be paid for with R&P funds and a smaller percentage of their salary
12 to be paid for with PC and/or MG funds, with their time toward each of those programs divided
13 and tracked accordingly.

14 18. This is especially true for those agencies that have had their ORR grant funding
15 frozen (according to the Gradison declaration, ECF No. 61-2, this includes Ethiopian
16 Community Development, Global Refuge, the U.S. Committee for Refugees and Immigrants,
17 and the U.S. Conference of Catholic Bishops (USCCB)). These four resettlement agencies
18 together account for roughly half of the national resettlement agency infrastructure providing
19 domestic resettlement services. Refugees assured to one of these agencies and refugees in Texas
20 (because the state ORR funding is administered by Catholic Charities Fort Worth, an affiliate of
21 USCCB), are unable to receive R&P as well as a combination of ORR services.

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I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 11th day of March, 2025, at Purcellville, Virginia.


Jenifer Smyers